

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIO CASTILLA,

Petitioner,

V.

RON VAN BOENING,

Respondent.

C08-906Z

ORDER

THIS MATTER comes before the Court on Petitioner's Motion for Certificate of Appealability Pursuant to 28 U.S.C. § 2253, docket no. 26. Having fully considered all materials filed in support of and in opposition to Petitioner's motion, the Court now rules as follows:

A certificate of appealability may issue where “the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

For the reasons stated in Magistrate Judge Tsuchida's Report and Recommendation, docket no. 19, Petitioner has failed to make a substantial showing of a denial of a constitutional right. Accordingly, the Court DENIES Petitioner's Motion for Certificate of Appealability Pursuant to 28 U.S.C. § 2253, docket no. 26.

IT IS SO ORDERED.

DATED this 19th day of May, 2009

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Thomas S Zilly
Thomas S. Zilly
United States District Judge

ORDER 1-